



**Village of Brewster, Putnam County, New York
A TOD and Complete Street Plan as Part of Envision Brewster**

Prepared by: Audrey Friedrichsen, Esq.
Pace Law School
Spring 2014 Sustainable Development Law Survey
Professor J. Bacher, Esq.
May 9, 2014

Introduction

The Village of Brewster, located in Putnam County, New York, has recently begun a review of its Comprehensive Plan in a process called “Envision Brewster.”¹ The mission for Envision Brewster is:

To create a strong, vibrant and inviting community that reflects its diversity, history and culture. By encouraging strong relationships between residents, the Village, businesses, education, non-profits, and our faith based community, [it] will foster a balanced approach to renewed pride, image, appearance and values. We believe that by establishing long-term private and public partnerships, the Village of Brewster will accomplish the goals and vision for a better place to live, work, play and raise families.”²

The purposes and goals of the Envision Brewster process include:

- To create economic value for the entire Village and greater Brewster area, focusing on the *existing downtown core* and *redeveloping underutilized sites and buildings*;
- To provide a vibrant downtown and create a *diversity of uses* (live, work, shop, learn and play);
- To *capitalize on the existing transportation infrastructure* and create new multi-modal transportation networks;
- To provide a *mixed-use downtown setting* to include residential, commercial, retail, hospitality, parks, open space, cultural, civic and other uses;
- To *improve streetscapes* and create a pedestrian friendly “walkable” environment;
- To achieve the *adaptive reuse of vacant buildings* where appropriate; and
- To create a *sustainable development* by implementing smart growth and green building design elements in an economically viable plan.³

This paper proposes and analyzes two land use tools that may be useful in achieving these highlighted goals of Envision Brewster: Transit Oriented Development (“TOD”) and Complete Streets. Application of these tools can result in the desired changes in Brewster:

¹ Envision Brewster documents can be found at: http://www.brewstervillage-ny.gov/index.php?option=com_content&view=article&id=67&Itemid=111&dir=%2F nfs%2F c07%2F h03%2F mnt%2F 103699%2F domains%2F brewstervillage-ny.gov%2F html%2F images%2F stories%2F pdfs%2F Minutes-BOT/Envision_Brewster_Collateral.

² Envision Brewster Goals and Mission, available at http://www.brewstervillage-ny.gov/index.php?option=com_content&view=article&id=67&Itemid=111&dir=%2F nfs%2F c07%2F h03%2F mnt%2F 103699%2F domains%2F brewstervillage-ny.gov%2F html%2F images%2F stories%2F pdfs%2F Minutes-BOT/Envision_Brewster_Collateral.

³ Id.

taking real advantage of the existing MetroNorth train station, and creating a revitalized, pedestrian friendly, mixed use downtown through redevelopment.

The first section of this paper sets the context, describing the current conditions in the Village and highlighting the steps taken to date leading up to the new Envision Brewster process. It also describes the anticipated elements to be undertaken in that process. The second section defines and describes TOD and complete streets, identifying the benefits of and barriers to these land use concepts, and the strategies that can be put in place to achieve them. The last section suggests two actions that can be taken by the municipality to implement these important sustainable development tools: adoption of a TOD Overlay Zoning District and adoption of a Complete Streets Policy. Drafts of a zoning local law template for a TOD Overlay Zoning District and a Complete Streets Policy are provided as starting points for discussion.

The Village of Brewster is recognized as having many assets and characteristics in place that give it great potential for successful revitalization. It will take the concerted effort of many stakeholders – municipal officials, residents, business owners, consultants, developers, and state and county agencies, just to name a few – to achieve this goal; one that has been set by the Village for many years, but has not yet been achieved. This paper suggests actions that are just a couple of pieces in the puzzle that will be this process, but hopefully they will be an important and successful part.

Part I: The Context

A. The Village of Brewster

The Village of Brewster is located in the Town of Southeast in Putnam County, New York. It has a land area of only 0.48 square miles. As of the 2010 Census, there were 2,390 documented residents.⁴



Map of the Village of Brewster, New York

The demographics have changed dramatically in the Village of Brewster over the past 10 years.⁵ The village has witnessed a dramatic increase in Hispanic and Latino populations and changes in the number of housing units and use. Hispanic and Latino populations have increased by 92.8 percent from 2000 to 2010, while the non-Hispanic and Latino population decreased by 28.3 percent. Today, the Hispanic and Latino population represent 56 percent of the total village

⁴ See Envision Brewster – Village of Brewster Opportunity Area Implementation Plan, available at: http://www.brewstervillage-ny.gov/index.php?option=com_content&view=article&id=67&Itemid=111&dir=%2Fnfs%2Fc07%2Fh03%2Fmnt%2F103699%2Fdomains%2Fbrewstervillage-ny.gov%2Fhtml%2Fimages%2Fstories%2Fpdfs%2FMinutes-BOT/Envision_Brewster_Collateral.

⁵ Hudson Valley Pattern for Progress Fellows Class 2013 Report, available at <http://pattern-for-progress.org/sites/default/files/Brewster%20-%20Fellows%20Report%20FINAL.pdf>

population.⁶ According to Hudson Valley Pattern for Progress, the change in demographics is not a negative, but homeownership rates have unfortunately decreased as there has been population turnover.⁷

The Village is home to the Brewster Train Station, located at the intersection of Main Street and North Main Street in the southwest corner of the Village.⁸ The trip to Grand Central Station in New York City takes about an hour and 24 minutes.⁹ Hudson Valley Pattern for Progress concludes that “From a SWOT (strengths, weaknesses, opportunities, threats) analysis perspective, this transit hub located in the heart of Main Street is the village’s primary strength and the leverage needed to spur further development.”¹⁰



The Brewster Train Station

The Village is also located at the intersection of several roads. US Route 202 and NYS Route 22 run concurrently along the South boundary of the Village.¹¹ Interstate 84 passes just northeast of the Village, and its intersection with Interstate 684, which leads to Westchester

⁶ Id.

⁷ Id.

⁸ See map, inset.

⁹ [http://en.wikipedia.org/wiki/Brewster_\(Metro-North_station\)](http://en.wikipedia.org/wiki/Brewster_(Metro-North_station))

¹⁰ Hudson Valley Pattern for Progress Fellows Class 2013 Report, available at <http://pattern-for-progress.org/sites/default/files/Brewster%20-%20Fellows%20Report%20FINAL.pdf>.

¹¹ See Map, inset.

County, is just east of the Village.¹² Finally, US Route 6 runs through the village as its Main Street.¹³

There are a couple of vacant buildings located in the Village in particular that are noted as capable of playing a vital role in the goals and mission of Envision Brewster: the Cameo Theater located in the center of the Village on U.S Route 6 (Main Street), and the Garden Street School, located north and “up the hill” from Main Street.



The Cameo Theater

The Cameo Theater, Putnam County’s first movie house, was built in 1939 and served the community until 1997. In 2000, the darkened theater was purchased by a local developer to forestall its demolition. His original intent was to renovate the 6,500-square foot building and lease it to an experienced theater operator, but he was unable to find a suitable tenant. The interior of the structure has deteriorated to the point where rehabilitation may be cost-

¹² See map, inset.

¹³ Id.

prohibitive.¹⁴ The Village's 2013 Opportunity Area Application states that the Cameo Theater "is currently secured and in a prime location in our Main Street business district. Building demolition is an exploratory option at present that is nourishing developer interest."¹⁵



The Garden Street School

According to Hudson Valley Pattern for Progress:

The Garden Street School was constructed in 1925 and just recently closed in June 2012. The Adaptive Reuse of the Garden Street School may also aid in the preservation of the village of Brewster's heritage and history. Depending upon the ultimate use of the building and grounds, there may be opportunities to secure federal, state and/or local funding, if available. The location of the Garden Street School is ideal for creating an anchor project that can be a catalyst for the revitalization of the Main Street, connection to the train/mass transit system and enhancing the possibilities of building a walkable community. The adaptive reuse of the school also opens the possibilities of creating new jobs and economic development opportunities, or the creation of either

¹⁴ 2009 Niche Marketing Plan – Village of Brewster, available at:

<http://www.putnamcountyny.com/planning/mainstreet/pdf/nichemarketingplanbrewster.pdf>.

¹⁵ Envision Brewster – Village of Brewster Opportunity Area Implementation Plan, available at :

http://www.brewstervillage-ny.gov/index.php?option=com_content&view=article&id=67&Itemid=111&dir=%2F nfs%2F c07%2F h03%2F mnt%2F 103699%2F domains%2F brewstervillage-ny.gov%2F html%2F images%2F stories%2F pdfs%2F Minutes-BOT/Envision_Brewster_Collateral.

market rate or workforce housing. The building and grounds also lends itself to the “repurposing” as an educational center and commercial development for the performing arts, theater and film. The project may also result in a mixed use and combine elements of any or perhaps all of the concepts.

The adaptive reuse of the Garden Street School represents an incredible opportunity for both the village and the Brewster Central School District. It is important to note that there are state laws, deed restrictions, existing zoning and environmental hurdles to clear. However, the Garden Street School lends itself to a variety of adaptive reuse opportunities, including: affordable senior housing, assisted living, film production studio, the performing arts and a variety of educational purposes, including, but not limited to, the development of a private or charter school, satellite campus of a four-year college, development of a business incubator, utilization of the cafeteria as a catering/restaurant training facility. Regardless of the end use, the property, if at all possible, should contribute to the local tax base.¹⁶

The Village has undertaken construction of major capital improvements recently, including a new one million gallon water storage tank, new water mains, a state of the art sewer processing facility, new sewer mains, new connections for every property to the sewer system and road repaving.¹⁷

B. Envision Brewster

As previously briefly described, the Village of Brewster is currently undergoing a revision of its comprehensive plan in a process and with a task force called “Envision Brewster.”

The Village was designated an Opportunity Area by the Hudson Valley Regional Economic

¹⁶ Hudson Valley Pattern for Progress Fellows Class 2013 Report, available at <http://pattern-for-progress.org/sites/default/files/Brewster%20-%20Fellows%20Report%20FINAL.pdf>. Pattern for Progress also prepared an adaptive reuse study of the Garden Street School in February 2013, available at: http://www.brewstervillage-ny.gov/images/stories/pdfs/information/GSS_Report_FINAL.pdf.

¹⁷ Envision Brewster – Village of Brewster Opportunity Area Implementation Plan, available at: http://www.brewstervillage-ny.gov/index.php?option=com_content&view=article&id=67&Itemid=111&dir=%2F nfs%2Fc07%2Fh03%2Fmnt%2F103699%2Fdomains%2Fbrewstervillage-ny.gov%2Fhtml%2Fimages%2Fstories%2Fpdfs%2FMinutes-BOT/Envision_Brewster_Collateral.

Development Council in July 2013.¹⁸ The ultimate goal is to “make the Village of Brewster economically viable and vibrant again.”¹⁹ Along with revisions to the Comprehensive Plan, the Village is expected to make changes to the Zoning Code and then undertake an Urban Renewal Plan informed by these two authorities.²⁰

The Urban Renewal Plan will “focus on the Main Street corridor, emphasizing sustainability and invigorating economic viability.”²¹ The objectives of the Urban Renewal Plan will be:

- To eliminate substandard conditions in the Project Area;
- To redevelop deteriorating and underutilized properties with residential and commercial uses designed to benefit local area residents;
- To create new housing opportunities within the Village;
- To *provide support for retail and service establishments in the downtown through the development of new mixed-use buildings*;
- To *promote Transit Oriented Development (TOD) surrounding the NY Metro North Commuter Rail Station*;
- To *enhance the aesthetics and overall image of the Main Street Corridor*;
- To generate a positive trend in real estate values;
- To improve public safety; and
- To help generate economic activity.²²

The revitalization of Main Street is “intended to renovate or replace deteriorated, neglected, vacant and substandard properties with sustainable and vibrant construction.”²³ The

¹⁸ See Envision Brewster – Village of Brewster Opportunity Area Implementation Plan, available at: http://www.brewstervillage-ny.gov/index.php?option=com_content&view=article&id=67&Itemid=111&dir=%2Fnfs%2Fc07%2Fh03%2Fmnt%2F103699%2Fdomains%2Fbrewstervillage-ny.gov%2Fhtml%2Fimages%2Fstories%2Fpdfs%2FMinutes-BOT/Envision_Brewster_Collateral.

¹⁹ Id.

²⁰ Id.; see also Envision Brewster – Urban Renewal, available at : http://www.brewstervillage-ny.gov/index.php?option=com_content&view=article&id=67&Itemid=111&dir=%2Fnfs%2Fc07%2Fh03%2Fmnt%2F103699%2Fdomains%2Fbrewstervillage-ny.gov%2Fhtml%2Fimages%2Fstories%2Fpdfs%2FMinutes-BOT/Envision_Brewster_Collateral.

²¹ See Envision Brewster – Village of Brewster Opportunity Area Implementation Plan, available at : http://www.brewstervillage-ny.gov/index.php?option=com_content&view=article&id=67&Itemid=111&dir=%2Fnfs%2Fc07%2Fh03%2Fmnt%2F103699%2Fdomains%2Fbrewstervillage-ny.gov%2Fhtml%2Fimages%2Fstories%2Fpdfs%2FMinutes-BOT/Envision_Brewster_Collateral.

²² Id (emphasis added).

²³ Id.

Comprehensive Plan Updates will “Provide a blueprint for development of the Main Street Corridor, the abandoned Garden Street School, a municipal parking garage, a passive Riverwalk park, and transit oriented development for the surrounding community.”²⁴ Zoning Code amendments will in turn provide regulatory support for these goals as set forth in the Comprehensive Plan.²⁵ The Opportunity Area Implementation Plan also indicates that in addition to the Main Street Corridor, the potential uses of the abandoned Garden Street School will be addressed in the Comprehensive Plan.²⁶

The most recent Comprehensive Plan for the Village, called “The Brewster Plan,” was prepared in 2004.²⁷ The need for revitalization of the Village was already recognized at that time, as well as the assets of the Village that make it amenable to TOD and complete streets implementation.²⁸ With regard to its economic potential, the Brewster plan concluded as follows:

The Village of Brewster has tremendous economic potential to create *Main Street as a destination point* for a variety of different reasons. Currently, the location of the train station becomes a destination point for commuters, who arrive and depart at particular times, using the Village primarily for parking. However, the Village can be a destination point that attracts people from other areas in the region to visit for other activities at a variety of different times and on the weekend.²⁹

The Brewster Plan also concluded that:

At a half-square mile in area, the Village of Brewster is indeed on a walkable scale, with an easily accessible and highly centralized Main Street core. A train station serves the pedestrian population, providing opportunities and resources for people without the need for a car. The Village has the opportunity to enhance these

²⁴ Id.

²⁵ Id.

²⁶ Id.

²⁷ The Brewster Plan – Village of Brewster, Putnam County, New York, February 2004: available at: <http://10509.org/wp-content/uploads/2010/10/TheBrewsterPlan.pdf>.

²⁸ See id.

²⁹ Id. (emphasis added).

elements within the framework of its distinct existing conditions.³⁰

The Village has also commissioned and received a series of reports and studies associated with its earlier revitalization efforts, including a Niche Marketing Plan and a Blight Determination Study.³¹ The purpose of the 2009 Niche Marketing Plan was to “identify commercial uses that are economically viable, compatible and appropriate and make specific recommendations to the Village of Brewster to strengthen the business mix, enhance economic activity, and develop a commercial “niche” or identity.”³² Based on a 10-minute drive time study area, the study determined the key elements of the Village of Brewster’s commercial “niche” identity to be: ethnic diversity; history; and urban environment.³³ The study recommended that these elements be integrated and used to differentiate Brewster and communicate what it has to offer as follows:

- Capitalize on the Village’s ethnic diversity to create a unique environment that attracts people for the cultural experience: It could be Guatemalan or Mexican, but also Italian, Chinese, Irish, Indian, and so on;
- Build upon Brewster’s history: the mines, the railroads, and early factories, as well as today’s immigrant population. Involve the Southeast Museum, the Landmark Preservation Society, and other groups to educate visitors and connect the past and the present; and
- *Use the urban environment as an asset – Highlight Main Street’s walkability and easy access by train. Consider positioning the Village as “a little of the city in the country” to distinguish Brewster from suburban shopping areas in neighboring communities.*³⁴

The Village of Brewster Board of Trustees approved some changes to zoning regulations in 2008 based on recommendations in the Brewster Plan, and additional zoning amendments

³⁰ Id. (emphasis added).

³¹ March 2009 Niche Marketing Study, available at: <http://www.putnamcountyny.com/planning/mainstreet/pdf/nichemarketingplanbrewster.pdf>, November 2011 Blight Determination Study for the Village of Brewster,

³² March 2009 Niche Marketing Study, available at: <http://www.putnamcountyny.com/planning/mainstreet/pdf/nichemarketingplanbrewster.pdf>

³³ Id.

³⁴ Id. emphasis added.

based on the recommendations of the Niche Marketing Study, but thus far it appears that they have not had their intended effect.³⁵

The purpose of the Blight Determination Study, which was undertaken pursuant to the vision in the 2004 Comprehensive Plan of a more densely urbanized, mixed use and pedestrian and transit-oriented Village center, was to identify whether blight exists in the Village that would support an urban renewal plan under New York State General Municipal Law Article 15.³⁶ Based on an assessment of property conditions, the study determined that 15% of all properties within the study area along Main and North Main Streets were considered blighted, and grouped them into four (4) areas, which it concluded may be appropriate for urban renewal.³⁷

Finally, the Village has also entered into a Memorandum of Understanding (“MOU”) with a developer for the redevelopment of the Main Street Corridor predicated on completing updates to the Comprehensive Plan, Zoning Code and the eventual Urban Renewal Plan.³⁸ The Agreement “describes specific steps to develop a conceptual planning and program analysis, revise the Comprehensive Plan and Zoning Code, create a generic environmental impact statement, designate an urban renewal project area and create an Urban Renewal Agency and Plan for community rejuvenation.”³⁹

³⁵ See Hudson Valley Pattern for Progress Fellows Class 2013 Report, available at <http://pattern-for-progress.org/sites/default/files/Brewster%20-%20Fellows%20Report%20FINAL.pdf>.

³⁶ November 2011 Village of Brewster Blight Determination Study, available at: http://www.crse.org/PROJECTS/BREWSTERVILLAGE/BlightStudy-Final_2nd_Scan.pdf.

³⁷ Id.

³⁸ Envision Brewster – Village of Brewster Opportunity Area Implementation Plan; see also September 29, 2013 Press Release – Covington Development LLC Signs MOU with Village of Brewster; Memorandum of Understanding; all available at : http://www.brewstervillage-ny.gov/index.php?option=com_content&view=article&id=67&Itemid=111&dir=%2F nfs%2Fc07%2Fh03%2Fmnt%2F103699%2Fdomains%2Fbrewstervillage-ny.gov%2Fhtml%2Fimages%2Fstories%2Fpdfs%2Fminutes-BOT/Envision_Brewster_Collateral.

³⁹ Id.

Hudson Valley Pattern for Progress suggests that the Village of Brewster has all of the ingredients and potential to become a vibrant Main Street and downtown.⁴⁰

The village has several assets that could be used to increase community engagement, which would help reveal the vibrancy we believe is there, but is presently obscured. With a long-term plan and someone in place to facilitate and implement strategic goals and objectives, Brewster could use the assets it has to attract both tourists and new development.⁴¹

However, Pattern notes a lack of vitality in the Village and that there is not currently a broad range of amenities in the Village, ranging from current, more broadly appealing retail establishments, to engaging cultural opportunities to fundamental services such as banks and a post office.⁴² These elements are necessary to attract new people and development.⁴³

In the interest of overcoming these challenges and barriers, this paper suggests two land use strategies, that can be implemented as part of the Envision Brewster process and can aid in achieving the goals of revitalizing the Village, with the secondary benefit of creating more sustainable development that is less dependent upon cars: Transit Oriented Development (“TOD”) and Complete Streets. The next section describes these two tools.

Part II: TOD and Complete Streets

A. Transit Oriented Development (TOD)

Transit Oriented Development is typically defined as compact, mixed-use development within walking distance of a transit station.⁴⁴ Reconnecting America defines it as “a type of community development that includes a mixture of housing, office, retail and/or other amenities

⁴⁰ Hudson Valley Pattern for Progress Fellows Class 2013 Report, available at <http://pattern-for-progress.org/sites/default/files/Brewster%20-%20Fellows%20Report%20FINAL.pdf>.

⁴¹ Id.

⁴² Id.

⁴³ Id.

⁴⁴ Downtowns, Greenfields, and Places in Between: Promoting Development Near Transit, Center for Transit Oriented Development, May 2103, <http://www.reconnectingamerica.org/assets/Uploads/20130528DntnsGreenfieldsEtc.FINAL.pdf>

integrated into a walkable neighborhood and located within a half-mile of quality public transportation.”⁴⁵

TOD is not simply “development near transit,” but also increases “location efficiency” so people can walk, bike and take transit; boosts transit ridership and minimizes traffic; provides a rich mix of shopping, housing, and recreational choices; provides value for the public and private sectors, and for both new and existing residents; and creates a sense of community and space.⁴⁶

It is predicted that by 2030, almost a quarter of all U.S. households looking to rent or buy are likely to want higher density housing near transit.⁴⁷ As a result, TOD is being cited as one of the best investment opportunities for development.⁴⁸



Transit Oriented Development

⁴⁵ Reconnecting America – What is TOD?, available at: <http://www.reconnectingamerica.org/what-we-do/what-is-tod/>.

⁴⁶ TOD 101, Why Transit Oriented Development and Why Now?, Reconnecting America, Center for Transit Oriented Development, available at <http://www.reconnectingamerica.org/assets/Uploads/tod101full.pdf>

⁴⁷ Id.

⁴⁸ Id.

TOD is characterized by the following elements:

- Compact development, which is medium to high-density, and located within comfortable walking distance to a transit station or stop (about one-quarter mile);
- Mixed uses, which are diverse and complimentary, such as retail, professional services, housing and employment, located within the central area of a TOD and adjacent to transit;
- Pedestrian orientation, with street-facing buildings and a network of pedestrian-scaled streets connecting the transit station or stop with the TOD's commercial, civic and residential area; and
- Transportation interfaces, i.e., transit facilities tailored to the level of transit service, with adequate parking.⁴⁹

TOD has emerged as a land use tool with two central benefits: creating quality neighborhoods and reducing auto dependence.⁵⁰ Some of the more specific benefits of TOD include:

- Reduced household driving and thus lowered regional congestion, air pollution and greenhouse gas emissions;
- Walkable communities that accommodate more healthy and active lifestyles
- Increased transit ridership and fare revenue;
- Potential for added value created through increased and/or sustained property values where transit investments have occurred;
- Improved access to jobs and economic opportunity for low-income people and working families; and
- Expanded mobility choices that reduce dependence on the automobile, reduce transportation costs and free up household income for other purposes.⁵¹

Another list of TOD's benefits as collected by Reconnecting America's Center for Transit Oriented Development ("CTOD"), which benefits accrue to existing residents, transit agencies, local governments, local merchants, developers, investors, property owners, and "all those who don't want to drive," includes:

- TOD is more sustainable
- More efficient use of land, energy and resources

⁴⁹ Metropolitan Council Guide for Transit-Oriented Development, available at <http://www.metrocouncil.org/getattachment/7f95e0f4-2909-4d0e-81cb-b19ca205a454/.aspx>.

⁵⁰ Downtowns, Greenfields, and Places in Between: Promoting Development Near Transit, Center for Transit Oriented Development, May 2103,

<http://www.reconnectingamerica.org/assets/Uploads/20130528DntnsGreenfieldsEtc.FINAL.pdf>

⁵¹ Id.

- Helps conserve open space
- Less oil and gas consumption
- Cleaner air
- Minimizes traffic increases
- Encourages walking
- Increases revenues, allowing cities to lower tax rates and compete with suburbs
- Increases transit ridership at a lower cost than if bus service or parking structures are needed to bring riders to stations
- Increases property values, lease revenues and rents
- Increases foot traffic for local businesses
- Creates opportunity to build mixed-income housing
- Height and density can pay for community benefits and affordability
- Reduces transportation expenditures
- Promotes healthier lifestyles
- Neighborhoods are safer because there are more people on the street and more “eyes on the street.”⁵²

CTOD touts TOD as a solution to a host of problems, including affordability of housing and transportation; traffic congestion; suburban sprawl; global warming and dependence on foreign oil; and the enormous costs of maintaining existing infrastructure and building new infrastructure.⁵³

Barriers to successful implementation of TOD include regulatory barriers, i.e. zoning that does not promote or in fact prevents this type of development, the high cost of high-density development, and the lack of financial resources at the local level to support infrastructure necessary for new development to occur.⁵⁴

Local governments can encourage TOD with policies that promote good design and access to transit.⁵⁵ Thus, identification of strategies to address these barriers, such as adjustment of land use regulations and innovation in funding and financing TOD and TOD-

⁵² TOD 101, Why Transit Oriented Development and Why Now?, Reconnecting America, Center for Transit Oriented Development, available at <http://www.reconnectingamerica.org/assets/Uploads/tod101full.pdf>

⁵³ Id.

⁵⁴ Downtowns, Greenfields, and Places in Between: Promoting Development Near Transit, Center for Transit Oriented Development, May 2103, p. 27

<http://www.reconnectingamerica.org/assets/Uploads/20130528DntnsGreenfieldsEtc.FINAL.pdf>

⁵⁵ Id. pp. 30-31.

related infrastructure, is important.⁵⁶ In Brewster’s case, these strategies are already being undertaken, as it is considering the update of its Comprehensive Plan with associated zoning changes, and has entered into the MOU with Covington Development. As previously mentioned, it has also invested significant amounts in public infrastructure. Therefore, it appears that the Village is well on its way to establishing the necessary platform for adopting and implementing TOD as a way to achieve the goals of Envision Brewster.

Maximizing the potential for TOD requires different implementation strategies in different types of places.⁵⁷ CTOD has identified at least eight different development contexts which warrant different treatment for TOD implementation: (1) existing downtown/urban business district; (2) major suburban employment area; (3) legacy industrial area; (4) mixed use neighborhood/main street; (5) auto-oriented commercial corridor; (6) industrial/distribution area; (7) low density residential neighborhood; and (8) major greenfield/infill site.⁵⁸ In addition, the strategy should be different depending on whether the area is a “warm” or a “cool real estate market.”⁵⁹

The Village of Brewster appears to fall into the fourth category identified by CTOD, “Mixed Use Neighborhoods/Main Streets,” for purposes of strategizing for successful TOD implementation.⁶⁰ CTOD states that:

Mixed-use neighborhoods and main streets mirror smart growth ideals: walkable, mixed-use communities with neighborhood-serving retail businesses along a commercial spine, surrounded by relatively compact single family or multi-family residential uses. Commercial businesses may also be interspersed throughout the

⁵⁶ Id. p. 29.

⁵⁷ See *Downtowns, Greenfields, and Places in Between: Promoting Development Near Transit*, Center for Transit Oriented Development, May 2103, p. 27
<http://www.reconnectingamerica.org/assets/Uploads/20130528DntnsGreenfieldsEtc.FINAL.pdf>

⁵⁸ Id.

⁵⁹ Id.

⁶⁰ See id. pp. 42-4.

residential areas, in the form of ground floor retail spaces or corner stores.⁶¹

CTOD concludes that the character of existing mixed-use neighborhoods is generally supportive of TOD, with existing sidewalks, a street grid, buildings with continuous street frontage, retail and civic amenities, and a wide range of residential building types, good regional access and proximity to employment centers.⁶² Again, Brewster seems well-positioned, as it exhibits many of these characteristics which already emulate smart-growth ideals.

There are a few key challenges, however: such areas are often not suited to infill development, and there may be issues surrounding the use of historic buildings.⁶³ They may also suffer from traffic, circulation and parking issues, creating resistance to new development if it is perceived as creating additional congestion or incompatible density.⁶⁴ CTOD suggests several key strategies for successfully implementing TOD in an existing mixed use/main street setting:

- Identifying and assembling appropriate parcels for development or redevelopment, especially along commercial corridors;
- Promoting increased density in appropriate locations, especially mixed-use development along commercial corridors; encouraging small-scale commercial revitalization, including development of tailored marketing strategies where businesses are not doing well; and
- Implementing parking management strategies, like district parking to accommodate local businesses and transit users.⁶⁵

Again, Brewster appears well-positioned with regard to these strategies, as it has already conducted a blight study to identify bundles of property appropriate for redevelopment, is undertaking Comprehensive Plan and zoning changes with the goal of promoting mixed-use development in the interest of revitalization, has conducted a niche marketing study to help with commercial revitalization, and has already considered parking issues in its planning efforts to

⁶¹ Id. at 42.

⁶² Id.

⁶³ Id.

⁶⁴ Id.

⁶⁵ Id. pp. 43-4.

date and will continue to do so in the Envision Brewster process. For these reasons, it is recommended that the Village consider amending its zoning code to adopt a TOD Overlay Zoning District to take advantage of these building blocks and move towards its revitalization goals. A draft framework for a proposed local law is set forth in Section III, below.

B. Complete Streets

A Complete Street is a roadway planned and designed to consider the safe, convenient access and mobility of all roadway users of all ages and abilities. This includes pedestrians, bicyclists, public transportation riders, and motorists; it includes children, the elderly, and persons with disabilities. Complete Street roadway design features include sidewalks, lane striping, bicycle lanes, paved shoulders suitable for use by bicyclists, signage, crosswalks, pedestrian control signals, bus pull-outs, curb cuts, raised crosswalks, ramps and traffic calming measures.⁶⁶

According to the National Complete Streets Coalition, “complete Streets are streets for everyone. They are designed and operated to enable safe access for all users. People of all ages and abilities are able to safely move along and across streets in a community, regardless of how they are traveling. Complete Streets make it easy to cross the street, walk to shops, and bicycle to work. They allow buses to run on time and make it safe for people to walk to and from train stations.”⁶⁷ There is no singular design prescription for Complete Streets; each street is unique and responds to its community context. Roadways that are planned and designed using a Complete Streets approach may include: sidewalks, bike lanes (or wide paved shoulders), special bus lanes, comfortable and accessible public transportation stops, frequent and safe crossing

⁶⁶ New York State Department of Transportation – Complete Streets, available at: <https://www.dot.ny.gov/programs/completestreets>.

⁶⁷ Smart Growth America, National Complete Streets Coalition – Fundamentals, available at <http://www.smartgrowthamerica.org/complete-streets/complete-streets-fundamentals>.

opportunities, median islands, accessible pedestrian signals, curb extensions, narrower travel lanes, roundabouts, and more.⁶⁸

Smart Growth America's National Complete Streets Coalition posits that adoption of Complete Streets policies by municipalities is needed as a first step to help change incomplete streets – designed with only cars in mind – which limit transportation choices by making walking, bicycling, and taking public transportation inconvenient, unattractive, and, too often, dangerous, into complete streets, which include the needs of people on foot, public transportation, and bicycles, and would make walking, riding bikes, riding buses and trains safer and easier.⁶⁹

The benefits of complete streets include:

- Pedestrian safety improvements
- Ease transportation woes
- Help children get physical activity and gain independence
- Air quality benefits, by reducing car trips
- Make fiscal sense by avoiding retrofit costs later.⁷⁰

Most importantly, complete streets bring economic benefits: A balanced transportation system that includes complete streets can bolster economic growth and stability by providing accessible and efficient connections between residences, schools, parks, public transportation, offices, and retail destinations.⁷¹

⁶⁸ Id.

⁶⁹ Id.

⁷⁰ Smart Growth America, National Complete Streets Coalition – Benefits of Complete Streets, available at: <http://www.smartgrowthamerica.org/complete-streets/complete-streets-fundamentals/benefits-of-complete-streets/>.

⁷¹ Smart Growth America National Complete Streets Coalition – Benefits of Complete Streets, available at: <http://www.smartgrowthamerica.org/complete-streets/complete-streets-fundamentals/benefits-of-complete-streets/>.



Complete Street, Village of Hamburg, New York

The experience of the Village of Hamburg, New York, in adopting an implementing a complete street policy for its main street, is instructive. Like Brewster, Hamburg's main street is a "U.S. highway."⁷² Rather than go along with a New York State Department of Transportation ("NYSDOT") proposal to "improve" U.S Route 62 running through the Village by adding another traffic lane, removing parallel parking and narrowing sidewalks, the Village convinced the NYSDOT to install traffic circles as traffic calming devices, narrower lanes, room for street trees, on-street parking, and "safety lanes" for cyclists.⁷³ As a result, the pedestrian and bicycling-friendly street experienced a reduction in accidents. Over four recent years, business owners, inspired by the new road, spent a total of \$7 million on 33 building projects. The number

⁷² U.S. highways are the original interstate highways, dating back to 1926, designated with the following signage:



U.S. highways are not owned or maintained at the federal level, but at the state level. Portal: U.S. Roads, available at: [http://en.wikipedia.org/wiki/Portal:U.S. Roads](http://en.wikipedia.org/wiki/Portal:U.S._Roads); see also Manual of Traffic Signs, Purpose and Policy in the Establishment and Development of United States Numbered Highways, available at <http://www.trafficsign.us/uspolicy.html> ("Often the U.S. marker is interpreted by the public as identifying a "federal highway" whereas the routes making up the U.S. numbered system are under State jurisdiction and not under Federal jurisdiction.")

⁷³ See New York Times, August "Widen Main St.? Community had other Ideas, and Thrived," available at: <http://www.nytimes.com/2013/08/17/nyregion/widen-main-st-community-had-other-ideas-and-thrived.html?pagewanted=1&r=0>; see also Case Study: Hamburg, NY, September 2011, available at http://contextsensitivesolutions.org/content/case_studies/u_s_route_62_village_of_hamburg/resources/Walkable_Olean_Hamburg_CaseStudy/.

of building permits rose from 15 in 2005 to 96 in 2010 and property values along Route 62 more than doubled over the same period. In 2012, the village's Main Street was placed on the National Register of Historic Places, which brought tax incentives that villagers hope will lead to still more development. The upgraded Main Street also has inspired a burst of civic activity, including a movie-in-the-park night, a village-garden walk, a street-music festival, a progressive dinner called Hamburg Bites and a soapbox derby that began in the summer of 2013. The village's redevelopment has also attracted new residents.⁷⁴ A Case Study prepared for the Hamburg project also details its benefits; most strikingly, a \$200,000 grant for the project resulted in over \$1 million in new private investment.⁷⁵ For these beneficial reasons, it is recommended that the Village of Brewster implement a complete street policy for its Main Street as part of its Envision Brewster process.

In New York, Complete Streets Legislation signed by Governor Andrew Cuomo on August 15, 2011 requires state, county and local agencies to consider the convenience and mobility of all users when developing transportation projects that receive state and federal funding.⁷⁶ One of the first steps in securing such funding is the adoption by a municipality of a "Complete Streets Policy." A Complete Streets Policy is a commitment that all future transportation projects will take into account the needs of everyone using the road. Implementation of that policy is where the work truly begins. The day-to-day decisions a transportation agency and community leaders make in funding, planning, design, maintenance,

⁷⁴ Id.; see also Dan Durden, Walkable & Livable Communities Institute, Restoring Vitality and Value Case Study: Hamburg, NY, available at: http://contextsensitivesolutions.org/content/case_studies/u_s_route_62_village_of_hambur/resources/Walkable_Olean_Hamburg_CaseStudy/

⁷⁵ Dan Durden, Walkable & Livable Communities Institute, Restoring Vitality and Value Case Study: Hamburg, NY, available at: http://contextsensitivesolutions.org/content/case_studies/u_s_route_62_village_of_hambur/resources/Walkable_Olean_Hamburg_CaseStudy/.

⁷⁶ New York Complete Streets Act, Ch. 398, Laws of New York, available at: http://www.dos.ny.gov/opd/programs/pdfs/complete_streets.pdf.

and operations should be aligned to the goals of that adopted policy document.⁷⁷ Complete Streets policies formalize a community's intent to plan, design, and maintain streets so they are safe for all users of all ages and abilities. Policies direct transportation planners and engineers to consistently design and construct the right-of-way to accommodate all anticipated users, including pedestrians, bicyclists, public transportation users, motorists, and freight vehicles.⁷⁸ The National Complete Streets Coalition suggests that a complete streets policy include at least the following elements:

- A vision for how and why the community wants to complete its streets;
- Includes all users of streets, i.e. pedestrians, bicyclists and transit passengers of all ages and abilities, as well as vehicles;
- Applies to both new and retrofit street projects;
- Directs the use of the latest and best design criteria; and
- Includes specific next steps for implementation of the policy.⁷⁹

A proposed draft Complete Streets Policy for the Village of Brewster, modeled after the one adopted by the City of Kingston in Ulster County, New York, is provided in Section III, below.

Part III: A TOD and Complete Street Plan for Brewster: Adoption of a TOD Overlay Zoning District and A Complete Streets Policy

As outlined above, it is recommended that the Village of Brewster include adoption of legislation to promote TOD and a Complete Streets Policy as part of the Envision Brewster process.

⁷⁷ Smart Growth America, National Complete Streets Coalition – Implementation, available at: <http://www.smartgrowthamerica.org/complete-streets/implementation>.

⁷⁸ Smart Growth America, National Complete Streets Coalition – Changing Policy, available at: <http://www.smartgrowthamerica.org/complete-streets/changing-policy>.

⁷⁹ Smart Growth America, National Complete Streets Coalition – Policy Elements, available at: <http://www.smartgrowthamerica.org/complete-streets/changing-policy/policy-elements>.

A. TOD Overlay Zoning District

A TOD Overlay Zoning District, which sets forth regulations that support use of the transit system and creation of a vibrant community around it, should be adopted by the Village as part of the Envision Brewster Process.⁸⁰ An overlay zone can be established which extends a “walkable” distance from the train station, in which these regulations apply. The regulations can be drafted to promote the following TOD development characteristics within the zone: (1) mixed uses, i.e. shops, restaurants, public services and a variety of housing types of different price ranges; (2) compact, medium to high density (3) creation of a neighborhood center; (4) managed and limited parking; and (5) pedestrian and bicycle friendly design.⁸¹

A proposed TOD Overlay Zoning District local law template, which is intended as a starting point for discussion in the Envision Brewster process and requires input from municipal officials, planners, residents, property owners and other Village stakeholders, is provided in Appendix A. The proposed local law was developed based upon a few different sources:

- MARTA TOD Guidelines Chapter 5: A Model TOD Zoning Overlay;⁸²
- Massachusetts Smart Growth/Smart Energy Bylaw;⁸³ and
- Transit Oriented Development (As an Overlay District) Template for the St. Louis Area.⁸⁴

In addition to establishment of the TOD Overlay Zoning District, the Village should review its code in the interest of identifying conflicting provisions, as well as barriers to redevelopment, i.e. it can provide for streamlining the approval process for new development and redevelopment in the TOD Overlay Zoning District which will help defray the costs and reduce

⁸⁰ See Puget Sound Regional Council, Featured Tool: TOD Overlays, available at: <http://www.psrc.org/growth/hip/alltools/tod/>.

⁸¹ See Puget Sound Regional Council, Featured Tool: TOD Overlays full profile, available at: http://www.psrc.org/assets/6675/hip_tod_overlay.pdf.

⁸² available at: http://www.itsmarta.com/uploadedFiles/About_MARTA/Planning_and_Projects/TOD_and_Real_Estate/Chapter%2005-A%20Model%20TOD%20Zoning%20Overlay.pdf.

⁸³ available at: http://www.mass.gov/envir/smart_growth_toolkit/bylaws/TOD-Bylaw.pdf

⁸⁴ http://cmt-stl.org/wp-content/uploads/2011/10/CMT-Overlay_District_Code_Template.pdf.

the time required for revitalization to occur. In addition, the Village may consider developing incentive zoning for such redevelopment, i.e. a special permitting process for projects identified as providing community benefits in line with the goals of TOD and Envision Brewster.

B. Complete Streets Policy

A draft proposed Complete Streets Policy for the Village of Beacon is attached as Appendix B. As noted above, it is based on the Complete Streets Policy in place in the City of Kingston.⁸⁵ Rather than establish a separate Complete Streets Advisory Council, however, in the interest of establishing a body that can provide feedback and advice on complete streets initiatives quickly and during the current Envision Brewster process, the Policy gives the Village of Brewster Planning Board such authority, so a full process of identifying and appointing members to an entirely new body is not necessary. Of course, the Village can always choose to establish a separate advisory council now or later.

As it considers the proposed policy, the Village may wish to consult other resources for development of such a policy. For instance, the Tri-State Transportation Campaign has developed a “Complete Streets in a Box” toolkit for Long Island, which provides a very detailed model complete streets policy, which may be useful.⁸⁶ The National Complete Streets Coalition, rather than provide a model policy, takes the position that the best Complete Streets policies are those developed by the community, with multidisciplinary input, and no single model policy can respond to the variety of ways in which a community may make its scoping, funding, planning, design, maintenance, and operations decisions.⁸⁷ Therefore it has prepared a Local Policy Workbook which may be helpful.⁸⁸

⁸⁵ See <http://www.smartgrowthamerica.org/complete-streets/changing-policy/model-policy/local-policy>.

⁸⁶ See <http://tstc.org/reports/licsbx/>.

⁸⁷ See <http://www.smartgrowthamerica.org/complete-streets/changing-policy/model-policy/local-policy>.

⁸⁸ Id.

Conclusions

- The land use tools known as Transit Oriented Development (TOD) and complete streets can play a part in achieving the goals of Envision Brewster;
- The Village has assets and characteristics, and has already taken steps, which form a good basis for implementing TOD and complete streets in the Village; and
- The Village should develop and adopt a TOD Overlay Zoning District and a Complete Streets Policy as part of the Envision Brewster process.

Development of a TOD Overlay Zoning District and adoption of a Complete Streets Policy are just part of the Envision Brewster process and plan. Hopefully this paper and the draft documents will provide a good starting point for adoption of such legislation and policy as the Village moves towards its revitalization goals.